

Notice of Allowability

Application No.

10/679,242

Examiner

Matt Luby

Applicant(s)

BAATZ, WILFRIED

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the application filed 10/03/03.
2. ☒ The allowed claim(s) is/are 1-16.
3. ☒ The drawings filed on 03 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Lesley D Morris

LESLEY D. MORRIS

PERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

On page 8, line 4 the between the word "rotational" and the number "194", the word --axis-- has been inserted.

3. The following is an examiner's statement of reasons for allowance: The prior art does not disclose an adjustable length crank arm, comprising: a first member having a spindle bore to be connectable to a spindle and defining a spindle rotational axis; and an elongate second member rotatably connected at one end to said first member and having a mounting bore disposed at the opposite end of said second member, said mounting bore adapted to be connected to a pedal shaft and defining a pedal rotational axis spaced a distance X from said spindle rotational axis and parallel therewith, said second member selectively rotatable between at least two pre-selected positions about a rotational axis that is eccentric with respect to said spindle rotational axis, wherein said pre-selected positions of said second member vary said distance X between said spindle rotational axis and said pedal rotational axis. The prior art also fails to disclose a crank arm having an adjustable effective length, comprising: a base member including a cylindrically shaped first boss, and a spindle bore to be connectable to a spindle and

Art Unit: 3611

defining a spindle rotational axis parallel and eccentric to an axis of said first boss; and an elongate crank arm member journalled for rotation onto said first boss at one end and having a mounting bore disposed at the other end that is adapted to be connected to a pedal shaft and defining a pedal rotational axis spaced apart a distance from said spindle rotational axis and parallel therewith, said spaced apart distance defining an effective length of said crank arm, wherein said crank arm member is operable to be selectively rotated between a plurality of pre-selected positions about said axis of said first boss, and further operable to be selectively connected to said base member for rotation therewith, said effective length of said crank arm being adjustable as said crank arm member rotates between said plurality of pre-selected positions. The prior art finally fails to disclose an adjustable length crank arm, comprising: a disk shaped base member having a spindle facing side and a crank arm member facing side, said base member including a cylindrically shaped first boss having a cylindrical open cavity; a spindle through bore connected to said cavity, said spindle through bore adapted for receiving a spindle in a non-rotational manner and defining a spindle rotational axis; and at least two through bores having centers disposed radially outward of the perimeter of the first boss and centered on an imaginary circle having a pre-selected diameter; a crank arm member having a spindle end and a pedal end, said spindle end of said crank arm member defining a cylindrical bore sized and configured for rotatably mounting the crank arm member onto said first boss and including at least one fastener through bore, said pedal end of said crank arm member defining a through bore adapted to be connected to a pedal shaft and defining a pedal rotational axis spaced a

Art Unit: 3611

distance D from said spindle rotational axis, said crank arm member rotatable about said first boss for selectively aligning said fastener through bore with one of said base member through bores, said rotation of said crank arm member selectively changing said distance D; and at least one fastener received through said aligned fastener through bore and one of said base member through bores for selectively coupling said base member to said crank arm member for rotation therewith.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matt Luby whose telephone number is (703) 305-0441. The examiner can normally be reached on Monday-Friday, 9:30 a.m. to 6:00 p.m..

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3611


7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matt Luby
Examiner
Art Unit 3611



M.I.

November 29, 2004



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